

Serial No.: 10/594,293
Group Art Unit No.: 1643

Remarks

Entry of this amendment is respectfully requested. Claims 1-78 are pending in the instant application. Claims 1, 2, 4, 6-13, 18-27, 37, 71, and 74 stand rejected. Claims 28-36, 38, 47, 48, 52-63, 65-70, 72, 73, and 75-78 are withdrawn from consideration. Claims 1-2, 4, 6-13, and 18-78 are cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 3, 5, and 14-17 are objected to. Claims 3, 5, and 14-17 are amended herein. Applicants thank the Examiner for acknowledging the subject matter of claims 3, 5, and 14-17 is allowable if rewritten in independent form. Applicants respectfully request reconsideration and withdrawal of the objections based on the amendments herein.

In view of the foregoing remarks and the claims as amended, the Applicant's respectfully request that the Examiner withdraw her objections and rejections based on 35 USC §112 and §102, because the current amended claims render these objections and rejections moot.

Claim Rejections Under 35 USC § 112

Claims 2, 4, 12, and 13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an antibody that specifically binds to OSM comprising all 6 CDRs, does not reasonably provide enablement for antibody comprising only CDR 3 of the heavy chain.

Without conceding the validity of this rejection, Applicants have elected to present the invention in different terms, which terms obviate the asserted basis for this rejection. Applicants respectfully assert that due to the amendments made to the existing claims, this rejection is now moot. Applicants have cancelled Claims 2, 4, 12 and 13.

In view of the foregoing remarks and the claims as amended, the Applicant(s) respectfully request that the Examiner withdraw her rejections based on 35 USC §112, because the current amended claims render these rejections moot.

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Claim Rejections Under 35 USC § 102

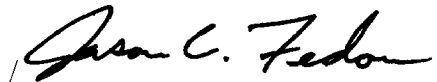
Claims 1, 6-11, 18-27, 37, 71, and 74 are rejected under 35 U.S.C. 102(b) as being anticipated by Life *et al.* (WO/1999/048523 published 09/30/1999).

Without conceding the validity of this rejection, Applicants have elected to present the invention in different terms, which terms obviate the asserted basis for this rejection. Applicants respectfully assert that due to the amendments made to the existing claims, this rejection is now moot. Applicants have cancelled Claims 1, 6-11, 18-27, 37, 71, and 74.

In view of the foregoing remarks and the claims as amended, the Applicant(s) respectfully request that the Examiner withdraw her rejections based on 35 USC §102, because the current amended claims render these rejections moot.

The Applicants reserve the right to prosecute, in one or more patent applications, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. The Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration and allowance of the pending claims is earnestly solicited. If it would expedite prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,



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